



## Proportional Representation and Its Impacts on Multi Ethnic Society of Sri Lanka



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### Abstract

This paper will examine the impact of PR electoral systems in a divided society. This research will explore the strength and weakness of the current electoral system and institutional design of Sri Lanka and will recommend changes to decrease the risk of minority exclusion in decision making and ethnic violence. The objectives of this research are to examine the character of the merits and demerits of the PR and to investigate and assess the impacts of the PR in the multi-ethnic societies of Sri Lanka. The study is a qualitative case study, and primary and secondary data sources have been employed to gather relevant data. My Fieldwork was conducted in Sri Lanka, with the intention of gaining a better and more thorough understanding of the current situation. The interviews conducted were as such, not structured or semi-structured, due to the interviewees' varying professional background and institutional affiliation. Accordingly, unstructured interviews, as well as informal conversations and meetings, were conducted throughout Sri Lanka.

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### 1. Introduction

One important way to mitigate problems in divided societies is to create an electoral system befitting of the situation. In many divided societies, the state has inherited the electoral system of their colonizer. Although from the time of independence Sri Lanka has been recognized as a representative of democracy, it has a proud and long history of democracy. Periodically, experiments attempting to incorporate ethnic minorities into the political system resulted in further disenfranchisement stemming from recurrent struggles with the ethnic majority-dominated government. This is not surprising as the majority greatly outnumbers the ethnic minorities. As history has shown, disenfranchised groups were always looking for tools to demand their share of resources outside the political system. This had disastrous consequences in the past. To break this cycle, even after a defeat of violent opposition groups, the majority should strive to include the ethnic minorities in the political system. Currently, the incentives that the electoral system generates for ethnic accommodation and interethnic dialogue are weak. While there is an ongoing debate between the

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political elite and the public in Sri Lanka on what would be the most advantageous way to make major changes in the electoral system, the issue is highly contagious and the debate results in deadlocks. In the current situation and to prevent further instability, no major institutional changes are advisable in the short term. The desired outcome is to enable the current system to give greater opportunities for involvement to the minority groups, while at the same time assuring the majority that their interests will not be substantially compromised. As many have shown, electoral engineering in deeply divided societies can be challenging, and Sri Lanka in many respects exemplifies the most difficult case. In this context, incremental changes in the electoral system and civic education may help to bring about learning, stability and improved accommodation.

This paper will examine the impact of PR electoral systems in a divided society. This research will explore the strength and weakness of the current electoral system and institutional design of Sri Lanka and will recommend changes to decrease the risk of minority exclusion in decision making and ethnic violence. The objectives of this research are to examine the character of the merits and demerits of the PR and to investigate and assess the impacts of the PR in the multi-ethnic societies of Sri Lanka.

The study is a qualitative case study, and primary and secondary data sources have been employed to gather relevant data. My fieldwork was conducted in Sri Lanka, with the intention of gaining a better and more thorough understanding of the current situation. The interviews conducted were as such, not structured or semi-structured, due to the interviewees' varying professional background and institutional affiliation. Accordingly, unstructured interviews, as well as informal conversations and meetings, were conducted throughout Sri Lanka. Both primary and secondary sources of data have been used and analyzed throughout the study. The former includes official documents, as the constitution of Sri Lanka, political statements, reports, and interviews. The latter includes scholarly literature as research reports and analysis, comments and newspaper articles, as well as theoretical literature in the field. Both the primary and secondary sources have been vital for my understanding of the historical background to the conflict and the current situation.

### *The Power of Electoral Systems*

Electoral systems are the 'most powerful lever of political engineering for conflict resolution' (Horowitz, 1997). This is because it determines how votes translate into seats in the legislature (Reilly, 2007) and thereby determining many aspects of the functioning of democracy: what the parties look like, who is represented and by whom, and 'ultimately who governs' (Reynolds, 1999). Therefore, the electoral system is the gateway to power in a democracy. It can be manipulated to 'foster accommodative behavior' by ensuring that groups are included in the political process by 'decreasing the incidence of zero-sum outcomes (Reilly, 1997a). Furthermore, by changing the incentives available to those seeking election, electoral rules 'can make some types of behavior more politically rewarding than others, making it possible to incentivize inclusiveness and moderation (Reilly, 2002). Thus, the electoral system is foundational to the political culture in a society; it determines from the beginning on which lines an election will be run. It is absolutely necessary for it to foster both inclusiveness and moderation so that stability can follow. While getting this right is only one part of the quest for stability, getting it wrong can make stability impossible.

## **2. Research Methods**

The present study applied the qualitative methods. All data is analyzed descriptively. It is used a paraphrase to explain, elaborate, and explore regarding the phenomenon belonging. The conclusion is the last remarked based on the previous discussion and result.

## **3. Results and Analysis**

### *Discussion*

#### *3.1 Political Representation*

Political Representation and Representative Institutions 'Political representation' refers to an arrangement of government in which the constituency does not participate directly in the democratic processes, but are represented by

formal and elected representatives. The representatives have the responsibility of acting according to the people's interests, however, not necessarily according to their wishes. Dahl (1998, 85). Political representation stipulates, as mentioned, the representation of the constituency by elected officials, and it is the electoral system that designates the translation accuracy of the votes and the composition of the parliament seats. The proportionality of the people's votes and the composition of the elected officials in parliament may vary according to different electoral systems. Reilly & Reynolds (1999, 20) have categorized various electoral systems into eleven main types, which again fall into three broader families, by grouping them according to their degree of proportionality. The three broader families are respectively, referred to as 'plurality-majority systems', 'semi-proportional systems', and 'proportional representation systems'.

### 3.2 *Divided societies*

Divided societies are those in which there is an ethnic difference among the people in a state. Additionally, these ethnic differences must determine politics and political parties. There are two main types of inter-ethnic divisions: ranked and unranked. In ranked systems, the ethnic groups are geographically intermixed, ethnicity determines economic status, and one group dominates the other. In unranked systems, the ethnic groups live in enclaves, race does not determine jobs, and the groups are parallel, not hierarchical (Mason, 2003). In unranked systems, the groups are so separated from each other that Horowitz describes their relationship as more similar to international relations than intra-state relations (1971).

Ethnic conflict in ranked systems is rare since the dominant group tends to have so much power relative to the weaker groups that if a conflict arose, the dominant group would be able to suppress the revolt with few problems. Additionally, it is very difficult for the subordinate group to become a feasible opposition since their lower position means that they have less access to funds and have increased problems in mobilization. In unranked systems, groups tend to have conflict over government control.

This is because in a parliamentary system or coalition, whichever party wins the most seats controls the government—both the legislative and executive branches, producing a zero-sum game. Ethnically based political parties will thus encourage people to vote along ethnic lines, and by employing inflammatory comments and platforms, the potential for conflict and insecurity increases. This demands full participation of voters, and those who vote against their ethnic party or do not vote may be targeted for recrimination. This is less likely in a presidential system since there is a balance of power (assuming that the legislative branch has the power to balance the president).

The impact of political representation on an ethnically divided or multi-ethnic society depends on the particular political framing and the institutional design. Especially majoritarian democracies constitute a certain risk of turning non-democratic when placed on the backdrop of an ethnically divided society. According to Luckham *et al.* (2003), the institutional design of a majoritarian system most regularly features a strong presidential or parliamentary rule, first-past-the-post elections, unicameral or bicameral legislatures with a weak second chamber, a weak constitutional division of power, and a unitary, centralized state structure. Within a context of an ethnically divided society, such institutional frames can under certain circumstances produce non-democratic politics under certain circumstances. Majoritarian institutions have a potential of being exploited in order to obtain political power. A majoritarian political institutional framework can facilitate the exclusion of minorities from political power and decision-making process unsatisfactory minority protection, and the manipulation of ethnicity in politics.

### 3.3 *Sri Lankan Scenario*

Sri Lanka has substantial experience with both electoral systems (FPP and PR) at different points of time. According to A. J. Wilson, "Ceylon is the ideal laboratory for the study of electoral behavior." Over the years, many significant changes have been brought about in its electoral system. From the pre-independence period to 1977, the Island followed the FPP system, introduced by the British. During this period, the electoral system was gradually developed by the expansion of the franchise and change in the electoral arrangement. The United National Party, UNP government, however, completely changed the system by introducing the PR system in 1978 after formed new government.

As the UNP controlled more than two-thirds of parliament, the party was able to enact the second constitution in less than one decade. The constitution of the Second Republic of Sri Lanka did to some degree strengthen the status

of rights and protection of minorities, though still with severe limitations (Little, 1999). At the same time, the new constitution of 1978 set forth to transform the political system by adding emphasis on the presidency. The presidency, directly elected from the constituency, would collaborate with parliament and prime minister, much similar to the French political system. Even though the parliament would be in charge of the legislative tasks the president would have the significant powers over parliament and prime minister. The president obtained control of emergency powers and the power to dissolve parliament. According to Coomaraswamy (2003), this presidential system would define the politics of Sri Lanka into the 1980s and -90s.

Sri Lanka offers a paradigmatic case to illustrate the perverse effect that democratic politics can have in an ethnically divided society. In the wake of independence, the state island witnessed a progressive escalation in an inter-ethnic conflict that led to a protracted civil war lasting three decades and costing the lives of a hundred thousand people. Although a multifaceted and convoluted conflict, the political system bequeathed to Sri Lanka by the British can be said to have had “a crucial impact on the exacerbation of the conflict”. (Bose, 1994).

Post-independence democracy in Sri Lanka was designed as a majoritarian democracy, including the typical elements as such. The system adopted in 1947 included a strong parliament, a unitary, centralized state, weak division of power, and a first-past-the-post (FPP) electoral system. The combination of an FPP representational system and the lack of a bill of rights led to the inefficient protection of minorities in the society (Rotberg, 1999). Contrary to proportional representation (PR) in elections, FPP systems may be problematic in heterogeneous societies. In Sri Lanka, FPP elections and the single-member-district plurality, a ‘winner-takes-it-all’ method of election, created further majority domination within the political system. The minority Tamil constituencies did not have enough leverage in the electoral system to oppose the majority in any way. “[C]onstitutions were enacted by ruling governments and amended to serve their self-interest” (Coomaraswamy, 2003).

Upon independence, it became clear that the Sinhalese, with their approximately 70 percent of the total population, easily could easily obtain the majority in parliament as long as they voted along ethnic lines (International Crisis Group, 2007b; Horowitz, 1993). And indeed, it was the Sinhalese who that obtained majority in parliament after independence, hence they had also control over the development of the political framework. Through the safeguard clause, the first constitution of Sri Lanka placed certain limitations on the legislative powers of parliament as to impede discriminatory legislation (Loganathan, 1996). However, three legislative acts passed in the post-independence era were perceived as highly discriminatory by the groups affected. These were respectively the Citizenship Act of 1948, the Franchise Legislation of 1949, and the Official Language Law of 1956 (Uyangoda, 2001).

In an ethnic party system like Sri Lanka’s in which group preferences are predominantly fixed and little or no cross-cutting cleavages exist, any party across each group will be incentivized to appeal exclusively to its own community for votes by engaging in emotive and exclusive ethnic appeals (Horowitz 1985). Essentially, intra-ethnic parties contend by outbidding each other on the political spectrum and any effort to moderate their political stance or engage in inter-ethnic pacts will render them susceptible to electorally detrimental accusations of treachery. This creates a centrifugal spiral in which extremist positions become electorally rewarding and the prospects for multi-ethnic coalitions unlikely.

The PR system, with its territorially designated electoral districts, ensured that Sinhalese parties could permanently gain a plurality-majority of votes due to the fact that minority constituted less than 25% of the electorate in 75% of the nation-wide Sinhalese constituencies. In addition, this system had the particularity of creating “vast manufactured majorities” as it magnified “relatively slender pluralities of the national vote into the disproportionately large majority of seats” in parliament

The members of parliament are elected from 22 multi-member districts through a proportional preferential election system. Voters first indicate their choice of the party on the ballot, and may then indicate their three preferences from the party candidates list. The parliament has 225 members who are elected for a maximum term of six years. According to Article 98 of the Constitution, 196 members are directly elected. The remaining 29 members of parliament are elected in a countywide constituency. The political parties or independent groups for the national seats submit a list of candidates to the Election Commissioner.

PR aims to achieve a balance between the share of votes and the subsequent share of representatives. If a party wins a certain percent of the votes, the same party should win approximately the same percentage of the parliamentary seats (Reilly & Reynolds, 1999). The most common form of PR in elections is the list PR-system, implying that all parties are required to present a list of candidates for the electorate. List PR elections are commonly held in large, multi-member constituencies, and the parties receive seats according to their share of the national vote. Countries with a list PR- system operates either with open or closed lists, in which the former the constituents vote directly for a party, contrary to the latter where the electors vote on candidates whose votes pool to a specific party. As will be discussed

later, the case of Sri Lanka may illustrate how the choice and design of the electoral system influence the proportionality of political representation.

### *3.4 PR and emergence of Extremist Parties*

A criticism of PR is that, by making it easier for smaller parties and extremist to win seats in parliament, these systems facilitate the rise of extremist parties. So, ethnic politics in Sri Lanka is closely linked to the structure of the Electoral system. This not only increases the risk of huge parliaments, with governments being hostage to the vagaries of extremist politicians, more generally it also affects the stability of the political system by giving undue representation to politicians and parties whose views are abhorrent to the majority of citizens. (David M. Farrell, 2011). In a context of the rise of the Sinhalese-Buddhist nationalist party the ideology of which contained a political vision of using the post-independence state institutions to serve the interests of the majority Sinhalese community. They viewed the post-independent rule discriminating the Sinhalese-Buddhists and favoring ethnic and religious minorities. This meant that the state policies should specifically serve the Sinhalese language, Buddhist religion, and the Sinhalese-Buddhist culture. (Uyangoda, Wijewardena, D. C., 1953). In 2004s, a new coalition – Jathika Hela Urmaya – JHU -- the Nationalist Heritage Party, which was formed just two months before the elections in order to contest the April 2004 election and won nine seats. The party campaign slogans make its ethnic nature clear it explicitly targeted anti-minority sentiments.

The Sinhalese nationalist party feels that the existing PR system has forced major political parties to form coalition governments with minorities party is seen by them. It has created political instability, instead of envisaged stability, and the smaller parties have gained an undue advantage over major parties because the major party is compelled to depend on the former for survival. The party pledged to preserve Sri Lanka's unitary status, force the Norwegian facilitators out of the country and to establish a Dharma Rajya (righteous state) (Neil DeVotta and Jason Stone, 2008) Its disdain for the Christian community further fuelled communal disharmony. The emergence of religious fundamentalism has had an impact on the handling of women's issues by the legislature. There have been instances where progressive political trends in government were high jacked or subverted by the intrusion of religious fundamentalism. For instance, Buddhist priests who entered parliament through the JHU, right-wing Sinhala nationalist party, vehemently opposed the Prevention of Domestic Violence Bill when it was presented to parliament on the basis that the Bill adversely affected the values of the "Sinhala" tradition as the law was westernized and not suitable for Sri Lankan culture. (South Asia for Human Rights: 2008). Hence, JHU came into power committing itself to implement the Sinhalese nationalist political agenda with major Sinhalese party.

### *3.5 The Electoral System and the Presidential Power*

The Presidential form and the PR electoral system were the significant inclusions in the 1978 Constitution of Sri Lanka. The present constitution is weighted heavily in favor of the executive President. (Wiswa Warnapala.W.A, 1995). The main objective of the introduction of the presidential system, as stated by the UNP in 1977, was that "the executive power will be vested in the President elected from time to time by the people, and this will ensure stability to the executive for a period of years between elections". He has absolute powers, like the legislature and the judiciary. (The constitution 1978, 1979) With this constitutional amendment, Parliament lost its centrality in the constitutional structure of Sri Lanka.

The executive President cannot, however, enjoy his/her power without the cooperation of the parliamentary majority. The elected President is always answerable to the people who elected him/her. Constitutionally, the governmental powers of legislative and executive are divided between Parliament and President respectively, but the presidential power is pervasive in all institutions of government. It has been said that the Sri Lankan Presidency is the most powerful in the world. At the same time, the President cannot implement his/her executive powers unless supported by a parliamentary majority. The recent experience of Sri Lanka illustrates this situation. (D.C. Ranatunga, 2002).

Furthermore, the presidency introduced was given much power compared to the parliamentarians and the prime minister and became the main constitutional institution. Established with the intention to break the repeated constitutional tampering by parliament, the PR system and the presidency, however, led to It becomes clear then, that the representative institutions of Sri Lanka repeatedly have failed to provide minority groups with the necessary



political inclusion and democratic latitude required for institutionalizing peaceful cooperation and conflict resolution within democratic frames unstable coalition governments unable to perform any potentially necessary constitutional innovations.

### *3.6 Defections and Crossover*

In the present electoral system, more primacy has been given to the parties than to the MPs. When selecting candidates for an election, most members are at the mercy of the party leaders. Even after being elected to the parliament, MPs will have to support the party decision rather than acting on their conscience. In this context, MPs do not have much option other than crossing over to another party that allows them to voice the concerns of their communities or adheres to one's conscience. Note also that "crossing the floor" sometimes refers merely to voting with the opposition, not to changing party affiliation.... changing parties is more commonly called the party "switching." (Kenneth Janda, 2009). That in some countries party defections "is a non-issue and not perceived as a problem," whereas in others the practice threatens government stability and is taken as very serious.

One possible explanation is the accumulation of an excessive quantum of power in the hands of the executive president. As the President himself is elected, he then has a free reign for the next six years, no matter what the composition of parliament is. He is also the distributor of goodies vis-a-vis cabinet portfolios, giving him the opportunity to indulge in political philandering.

Faced with such a situation, opposition members of parliament are more liable to fall prey to the political machinations of their manipulators. It is such a scenario that the UNP is confronted with today.

However, when analyzing the history of crossing over, usually it has been the opposition MPs who cross over to the ruling party instead of otherwise. Some get cabinet portfolios with other privileges while others allegedly receive huge sums of money. Therefore, it is very difficult to decide whether it is principle or perks that matter when deciding to crossover. Huge sums of money exchange hands under the pretext of defections on the basis of conscience, which in reality are for political gains and lead to corrupt practices. The defection of the opposition legislators today could well be a crucial development in Sri Lanka's fragile democracy. The development has put in danger the landmark deal between the two major Sinhalese parties.

Since political crossovers have now become the order of the day, prompted by various factors with its notable origin in Sri Lanka, followed by a series of expulsions, by-elections, resignations, and termination or rather forfeiture of the seats in Parliament due to a plethora of reasons. The political crossover apparently began with S W R D Bandaranaike, who was Minister of Health and Local Government and Leader of the House under D. S. Senanayake. SWRD resigned from the portfolio on July 12, 1951, joined the Opposition and later formed his own political party called Sri Lanka Freedom Party (SLFP). Since then, crossovers have been part and parcel of the Sri Lankan political landscape. What is important is that the crossovers between 1951 to 1965 had no links to perks bribes and other factors except the disagreement in policies. (Shenali D Waduge, 2014). The crossovers after 1965 were all to do with bribes, perks, and privileges and even to avoid legal cases against them.

Sometimes, as in the case of minority parties such as the Sri Lanka Muslim Congress (SLMC) and the Ceylon Workers Congress (CWC), if the leaders become disgruntled with partners of their alliance, the entire party tends to crossover as a single unit. Crossovers can make or break governments. We have seen that happen throughout our history. Even before the presidential election of 2015, speculation about crossovers among both government and opposition ranks have gained increasing coverage.

It is really difficult to count the number of crossovers over the years but most of the crossovers have been from the UNP to ruling parties in recent past. The defection of 35 members of the Sri Lankan opposition, the United National Party, to the People's Alliance of president Chandrika Kumaratunga is a major step towards the formation of a "national government" as the ruling regime faces its deepest political crisis since coming to power in 1994. (K. Ratnayake, 1999). But surprisingly, it has been left in the opposition for a long period now under Ranil Wickremesinghe's leadership and the general belief is that the present leadership is responsible for all the recent crossovers which have weakened the party. (Jaliya Wijeyekoon, 2010)

Crossovers are not an evil of the proportional representation system. They occurred under the first past the post system as well. If the crossovers of yesteryear were on matters of principle whereas the crossovers of today, at least from Opposition to Government, result in immediate ministerial portfolios, it is a commentary on the caliber of MPs then and now, not an indictment of the system.

A radical move would be to amend the Constitution to prohibit MPs who crossover from the Opposition to the Government from accepting ministerial office during the remainder of the parliamentary term. This would take away any suspicion in the public mind with regard to the motives for their crossover and would require such MPs to vindicate their stand before their voters at the next parliamentary election before becoming eligible to hold ministerial office. However such a move would require an altruistic attitude on the part of the Government in power, and no Government has shown such altruism up to date. (Ruana Rajepakse, 2010)

### 3.7 Government Stability and Coalition government

PR electoral systems have a greater tendency to produce coalition governments that, by their nature, are bound to be more fragile than the single-party majority governments more normally associated with non-PR systems. Coalition governments are also often criticized by opponents of PR for being ‘undemocratic’ (Hain 1986; Duschinsky 1999; Norton 1997). There are a number of parts to this argument.

The coalition is also said to be undemocratic because they make a mockery of manifesto pledge. Coalitions are produced perhaps before or after the election as a result of clandestine meetings between party leaders. The expectation in a coalition system is that fewer pledge will be fulfilled, because of policy compromises between parties that must be made in order to form a government. (Gallagher et al. 2006, David M. Farrel. 2001). At the heart of this, once again, is the issue of how governments are made and unmade not as a direct result of the popular vote, but rather as a result of the wheeling and dealing that goes on between party leaders. In particular, attention is often focused on the ‘pivotal’ role or ‘kingmaker’ role tiny parties, such as notably the SLMC, CWC, JHU, left parties have enjoyed long uninterrupted periods in government despite having a tiny vote.

To ensure a more stable system reflecting the votes of the constituencies more accurately than before. By establishing PR the voice and leverage of minority groups increased, and the legislative power was restrained through coalition building. Under PR, it is more difficult to obtain a massive majority in parliament, and a two-thirds majority is virtually out of reach. As such, the system prevents constitutional tampering by ‘unbridled legislatures’ (Coomaraswamy, 2003). The introduction of PR shifted the dynamics in majority Sinhalese politics to a certain extent from the ‘ethnic outbidding’ to bargaining for positions in the political center. Despite the fact that the PR system was established to ensure improved reflection of the voting patterns, it also led to a less stable system of weak coalition governments. Unstable governments with decreased endurance and bargaining powers based on partisan politics have reduced possibilities of constitutional reform. Weak coalition governments will have a reduced ability to attain the necessary two-thirds majority required for constitutional reform, as they do not have the majority of the parliament’s votes. The combination of weak coalition governments unable to obtain the majority required for constitutional reform and the political practice of ‘opportunistic opposition’ have undermined various peace initiatives (Shanmugaratnam & Stokke, 2008).

Although, the PR system makes it more difficult to obtain a massive majority in parliament; the political parties had to resolve to coalition building to reach the necessary majority threshold. This has functioned as an impediment to the ‘constitutional tampering’ exercised by parliamentary majorities; nevertheless, it has also led to an era of unstable and weak coalition governments (Coomaraswamy 2003; Goodhand et al. 2005). Parties in coalitions have decreased expected endurance and less bargaining powers, hence, the coalition governments became subsequently weaker and did not obtain the power to implement constitutional amendments.

The real grievance of minorities concerning governance was not about the lack of representation, but the fact that even with the adequate representation they had been excluded from the sphere of state power. The two main Sinhalese political parties who formed governments alternatively had essentially implemented a policy agenda that favored the Sinhalese majority. Even on occasions when the support of the Tamil parties was obtained to form coalition governments, the majoritarian public policy regime had rarely changed. (Uyangoda, n.d)

### 3.8 Preferential voting

The method of preferential voting built into Sri Lanka’s PR system is the other feature of the electoral system that has received a great deal of flack for justifiable reasons. Experience shows that it spawns corruption, blood violence, and leads to severe infighting even among candidates of the same party list. (Uyangoda, 2015)

Unfortunately, the present form of PR has resulted in an inevitable struggle for preferential votes, and in-fighting among candidates of the same party (intra-party rivalry), which has on many occasions led to criminal violence and even murder. According to Laksiri Fernando the preferential vote system how to affect the societies. He said

“Many of the ills that we see in our political system today can be traced to the much-maligned electoral system and election laws, both practiced and malpractice. All recent election monitors, national and international, were unanimous that major election violence and violations were due to the ‘rotten manage’ (Preference vote) competitions. Under the present system, the candidates tend to use colossal amounts of money and then try to recover them through most insidious ways. Corruption is the whole mark at both ends. Only the rich or those who depend on the rich can easily contest elections from major parties. If there are exceptions, they are few and far between. The culprits are not only the people but also the systems. The ills are systemic” (Laksiri Fernando, 2015)

This system has hence paved the way for the drug lords, gambling tycoons and numerous other unscrupulous elements engaged in illegal activities with a lot of black money at their disposal to spend ample amounts of this ill-got money to put forward their own henchmen to contest the elections. If these elements manage to win, which in most cases they do by bribing the voters and engaging in numerous illegal methods, these illegal businessmen then use them to engage in their illegal activities and escape the long arm of the law. (Camelia Nathaniel, 2015)

### 3.9 Ethnic line of voting

By the fact that prior to 1978, minorities especially many Muslim politicians representing national parties have been elected in predominantly Sinhalese electorates, while Buddhist Sinhalese MP also has been elected in mixed Muslim-Sinhalese electorates, though voters readily lent their support to any politicians in all electorates based on their leadership quality and party. It was definitely not the case of Muslims voting for a candidate merely because he is a Muslim. Unlike the Tamils, the Muslims did not demonstrate a tendency to vote along communal lines.

The new Constitution enacted by the UNP in 1978 did irreparable damage to Sinhalese-Muslim relations, the effects of which are continuing to reverberate even today, primarily due to the introduction of the ‘Preference Vote’. As in the pre-1978 era, the Muslims have begun to demonstrate their willingness to cast their votes for candidates who in their opinion will look after the interests of the Muslim community – specifically, the non-violation of the basic need of Muslims for physical safety. The ethnicity and religion of such candidates are of secondary importance to a minority group which constitutes less than 10% of the total population. (Bisthan Batcha, 2015)

From a situation where a candidate had to impress upon a cross-section of multi-ethnic voters that the policies of his party are more beneficial to the country at large than that of a rival party, he had to now further convince voters that of all the candidates of his party contesting a specific area, he is the one best suited to represent them. In other words, the candidate had to project himself as being significantly different from the rest of the flock. To use a common marketing term, he had to possess a Unique Selling Proposition (USP), something that gives him a competitive edge over the other candidates. Consciously due to the introduction of the ‘Preference Vote’.

Consciously or sub-consciously, many candidates began to play the ethnic card and/or the religious card as they directed their efforts and limited (cognitive and financial) resources at the group that constitutes over 70% of Voters – the Sinhala Buddhists – in their desperate bid to possess this much-sought-after USP. At the end of the day, the cost of marketing themselves to Sinhala Buddhist voters was considerably less than marketing themselves to a target group of multi-ethnic Voters.

By the late 1990s, voter survey data shows the significant alignment of voters along ethnic lines: Sinhalese voters were overwhelmingly more like to vote for the Sinhalese candidates while Muslims and Tamils predominantly voted for their own candidates respectively. While similar data is unavailable for earlier years electoral data suggests an increase in the ethnicization of voting patterns since 1989.

Moreover, the Sinhalese-dominated constituencies in the south made it easy for Sinhalese parties to acquire the necessary majority in parliament if the voters voted according to ethnicity. Thus, the strong inter-party competition between the two main Sinhalese parties, the SLFP, and the UNP, initiated a habit of appealing for Sinhalese votes by ethnic sentiments and featured the performance of ‘opportunistic opposition’ (Horowitz, 1994). This paves the way for a plural, multi-ethnic society placed on the backdrop of a majoritarian democracy with a strong nationalist majoritarian dominance may, as in the case of Sri Lanka, produce ethnic fragmentation (Bastian & Luckham, 2003).

Paradoxically, at the same time as the state institutions proved to be exclusionary by denying minority groups political leverage and voice, the Sinhalese majority has since independence emphasized the unitary state of Sri Lanka.



The conflicting relationship between majority-minority on one hand, and exclusion and communalism on the other, has indeed been a driving force behind the ethnic divisions and fragmentation in Sri Lankan society.

### 3.10 Electoral Reforms

The common notion in the country at present is that Electoral reforms are a long-awaited need. According to political analysts the existing Proportional Representation (PR) system, has many flaws that have only paved the way for those with the capacity to spend, being able to contest at elections. (Camelia Nathaniel, 2015). Sri Lanka's debate on electoral reform has often highlighted the need to further democratize the existing structures and processes of electoral representation. (Uyangoda, 2015). Meanwhile, the public debate on electoral reforms began in the 1990s and later gathered momentum in a context which can be described as the crisis of Sri Lanka's representative democracy. It is a crisis evolved as specific to Sri Lanka, and is independent of what political theory describes as 'crisis of representative democracy.' The latter refers to the negative consequences for democracy arising out of the separation of the elected from the electors, once an election is over. (Uyangoda, 2015) The SLFP has already appointed a committee to work out electoral reforms in consultation with the Elections Department. The Government is expected to opt for a simple delimitation process, while under the proposed system, the geographical expanse and the expanse of the voter population of the electorates will be considered in delimitating their boundaries. According to the proposed the new system, boundaries of electorates with more than 100,000 voters each or less than 50,000 will be delimited. Under the proposed system, electorates with less than 50,000 voters are expected to be amalgamated.

Now there are 16 proposals discussed in detail and we are in possession of a document that everyone is comfortable with, or at least not opposing. Some of the basic proposals are that 250 members for the council, replace the PR system with the past the post system etc. Now all 16 proposals have been tied into one political proposal where 168 members will be elected from the first past the post system and there will be 29 elected from the national list and the remaining from the total of 250 will come from the PR system. (Camelia Nathaniel, 2015). Therefore we are very hopeful that these electoral reforms will be implemented for good governance, otherwise, the same corrupt unethical politics will still prevail if the PR system is not replaced.

As a consequence of the 1978 constitutional reforms, the political dynamics shifted to a certain extent away from the contentious ethnic outbidding. PR systems conventionally make it more strenuous for political parties to obtain a massive majority in parliament due to the particular electoral design. As such, the parties are forced to collaborate in coalitions to win the necessary majority and obtain parliamentary power. Moreover, minority parties gain a stronger leverage in the political system, as they under PR may have the potential to decide the outcome of elections by supporting one of the majority parties. Hence, as every constituency and each vote ideally count under PR, political parties ought to be more restrained in their ethnic appeals (Horowitz 1993). To obtain the necessary minority support in order to reach the majority threshold, majority parties in a PR system would ideally benefit from ethnic moderation.

The transition from FPP to PR in elections has been argued to force political parties to be more receptive to ethnic accommodation, and more moderate in their ethnic appeals. However, even though the majority parties acknowledged the minority parties' potential to be decisive in election outcomes, the practice of utilizing majority Sinhalese nationalism in politics have continued into the contemporary politics of Sri Lanka. As Shanmugaratnam (2002) has observed regarding the period after 1977: "At times, these [minority] groups proved to be critical in tipping the balance of power one way or the other, often they remained marginalized and, in certain periods, almost totally ineffectual". Furthermore, according to Bastian (2003), the implementation of PR had the objective to consolidate the political power within the larger, majoritarian parties. One of the proposed principal elements of the PR system articulated a twelve point five percent 'cut-off' point, making it nearly impossible for smaller parties to obtain parliament seats without entering into coalitions with the larger parties. Without the minimum percentage required the parties would not be eligible for seats in parliament and would be eliminated from power. This was to avoid a recurring consequence of PR, namely the proliferation of smaller parties. However, this was after much protest changed to a minimum requirement of five percent of the votes, hence making the smaller parties more significant in the parliamentary politics. Yet, the dominating two-party system continued to dominate Sri Lankan politics, emphasizing the Sinhalese majority power furthermore.

#### 4. Conclusion

This paper's analysis of the impacts of PR system in multi-ethnic societies of Sri Lanka has clearly illustrated that even in instances where the elements deemed necessary for multi-ethnic societies may exist the quality of the practice of the system is heavily dependent on political and socio-economic factors. As revealed by the study it is evident that the PR system cannot be translated into an institutional checklist since focusing excessively on institutions and institutional change, while ignoring the politics of ethnicity change and the will to engage in democratic governance, will be disastrous.

Post-independence politics in Sri Lanka have been dominated by a tendency towards a bipolar party system short of consensus between the parties (Uyangoda, 2007b). Despite the formal democratic institutions of Sri Lanka being in place, the majoritarian democracy, and the democratic deficits have left governments unconstrained and thus able to rule without concern for minority parties, throughout the post-independence era. Politically empowered an indignant majority ethnic group to gain hegemonic power and use it to install a system of governance that gave primacy to the interests of the Sinhalese community. The segregation of minority groups from the political, democratic sphere and the lack of minority safeguards have indeed engendered fragmentation and deepening of ethnic divisions in society. The majority have been given free reins to employ ethnically based rhetoric to obtain votes, due to deficient minority safeguards.

As the ethnic party system developed, political entrepreneurs found it electorally optimal to adopt sectarian policies as attempts to formulate inter-ethnic appeals of accommodation were politically amputating. The unambiguous desire for political parties to maximize their share of votes made it politically irrational to promulgate policies of inter-ethnic co-existence as evidenced by the abrogation of the two Sinhalese- Tamil pacts.

Because of the majoritarian system minorities have not been able to attain any significant power in parliament as to defy and mobilize against such political practice. Additionally, as the distinct system served to reward those actors playing the ethnic card, and thus punishing those who refrained from it, the political opportunism created incentives to take advantage of the ethnic cleavages in society.

The political design of the main representative institutions in post-independence Sri Lanka has contributed to deepening the ethnic divisions in society by the exclusion of minority groups from the political sphere. The minority Tamils have in particular experienced the 'democratic deficits' of the majoritarian rule, thus generating a 'legitimate' cause for the violent insurgency. The centralistic nature of the state structure has additionally impeded equal political representation for all. The majority elite has been overrepresented, compared to minority groups who have been excluded from political power and processes of decision making.

To conclude, it has been shown that the choice of an appropriate electoral system is a necessary part of securing stability in a divided society. The wrong choice of electoral system can have a powerful negative effect, leaving the conflict worse off among the multi societies. As well as preventing further escalation of the divide, an appropriate electoral system can create powerful incentives for moderate methods. Since it is at the foundation of the democratic system, incentives to moderate can work at the voter level and throughout society, making the electoral system a key determinant of a country's political culture. However, the electoral system is not a panacea, it cannot change the composition of the society to which it is applied, and must work around these limitations.

#### *Foot Notes*

The President is head of the state, head of the executive, head of the government, and Commander in Chief of the Armed Forces. He/ she is the head of the Cabinet. He/ she appoints the Prime Minister, determines the number and portfolio of Ministers and may remove a Minister from office. The President may assign to himself/herself any subject not assigned to any other minister. He/she appoints the Provincial Governors, ambassadors and other diplomatic agents and secretaries to Ministers. The President is responsible for declaring war and peace. He/ she is responsible to Parliament in the exercise of his/her powers and functions. The President has the right to attend and address Parliament but cannot vote. He/ she has the power to prorogue Parliament and may dissolve Parliament any time after a lapse of one year from the date of last general election. See Tlze Constitution of the Democratic Socialist Republic of Sri Lanka- 1978, n. 22, pp. 19-54

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*Statement of authorship*

The author has a responsibility for the conception and design of the study. The author has approved the final article.

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